IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 18822 of 2004

Between:

Smt. Dooda Uma Devi, W/o Sri D. Gopala Rao,
R/o 17-29, Patha Gopalapatnam, Karnala Veedhi, Visakhapatnam.

..... PETITIONER

AND

1 State of A.P. rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2 District Collector, Visakhapatnam District, Visakhapatnam.
3 Commissioner of Police, Visakhapatnam.
4 Station House Officer, III Town Law & Order Police Station, Visakhapatnam.
5 Sri Kotipalli Srinivasa Rao,
R/o F3, VUDA Apartments, Seethammadhara, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate Writ, Order or direction preferably a writ in the nature of Writ of Mandamus, declaring the inaction of the official respondents especially 4th respondent in not investigating the case of the petitioner's husband who has been disappeared from 20-8-2004 and not taking any action against 5th respondent though the petitioner suspected the hand of the 5th respondent in kidnapping of her husband as being arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India and consequently direct the official respondents to forthwith investigate into the matter and take necessary action against the persons who are behind the missing/kidnapping of petitioner's husband including the 5th respondent.

Counsel for the Petitioner: MR.M.VISWANADHAM

Counsel for the Respondent No.1 to 4: GP FOR HOME

Counsel for the Respondent No.5: ---

The Court at the admission stage made the following:

ORDER:

The petitioner seeks a writ of Mandamus declaring the alleged inaction on the part of the respondents 1 to 4 in investigating the case on the basis of the complaint of the petitioner with regard to disappearance of her husband from 20.08.2004, as arbitrary and illegal.

On behalf of the respondents 1 to 4, the Sub-Inspector of Police, III Town Police Station (Law and Order), Waltair, Visakhapatnam City filed a counter affidavit dated 29.10.2004 stating that basing on the complaint of the petitioner, the fourth respondent registered a case in Crime No.301 of 2004 as a case of man missing and the investigation has been taken up. It is stated that the fourth respondent issued radio messages to all the Superintendents, CIs, SDPOs in Visakhapatnam Range on 23.08.2004 giving the particulars of the missing person, with a request to inform whether any unidentified dead bodies were located. It is also stated that 11 witnesses were examined, however, no one revealed the whereabouts of missing man. The fourth respondent has also addressed a letter dated 24.08.2004, through the Commissioner of Police, Visakhapatnam City, to the BSNL authorities about the cell phone number-9440633789 of the missing man requesting for supply of a copy of list of outgoing and incoming calls, tower position and location of the man missing. In pursuance thereof, the BSNL authorities submitted a list of telephone calls used by man missing from 01.08.2004 to 08.09.2004. On the basis of the said material, the claim of the petitioner that on the date of missing i.e., 20.08.2004, she received a phone call at about 09.00 pm from the said phone, was found to be incorrect. Since the petitioner made certain allegations

against the fifth respondent, the statement of the fifth respondent was also recorded on 30.09.2004 and further steps are being taken up in the investigation. It is also stated that the officials are taking hectic efforts to trace the husband of the petitioner.

In the light of the averments made in the counter affidavit, the allegation of the petitioner that respondents 1 to 4 failed to take any action on the basis of her complaint, cannot be accepted. Accordingly, recording the statements made by the respondents 1 to 4 in the counter affidavit, the writ petition is disposed of with a direction to the respondents 1 to 4 to continue the investigation and take all the necessary steps for tracing the husband of the petitioner. No costs.

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01.11.2004

VGB

To

1 The Principal Secretary to Government, State of A.P., Home Department, Secretariat, Hyderabad.
2 District Collector, Visakhapatnam District, Visakhapatnam.
3 Commissioner of Police, Visakhapatnam.
4 Station House Officer, III Town Law & Order Police Station, Visakhapatnam.

5 2CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (OUT)

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